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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,421	01/10/2002	David P. Billings	DOG 2410000	9060
7590 05/20/2005				
Gregory W. Carr CARR & STORM, L.L.P. 670 Founders Square 900 Jackson Street Dallas, TX 75202			EXAMINER PASSANITI, SEBASTIANO	
			ART UNIT 3711	PAPER NUMBER
DATE MAILED: 05/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/043,421		BILLINGS, DAVID P.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sebastiano Passaniti		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13-21 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,11,12 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office action is responsive to communication received 04/22/2005 –  
Request for Continued Examination (RCE), Amendment and Remarks.

Claims 1-28 remain pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Vincent. Figures 20, 21 and 22 clearly show that at least two weights, one to either side of the centerline of the head are positioned near the rear of the head while at least one weight is positioned near the front of the head. The weights may be formed as an increased thickness in the wall of the shell member during construction, or may be formed as separate items that are later connected to the head, as shown for example in Figure 25. See also col. 4, lines 57-65, col. 6, lines 17-34 and col. 8, lines 3-18. Specific to claim 7, Vincent shows a wood-style club head. As to claims 26 and 27, see Figures 12, 13 and 14 showing two weights near the back of the head, one being

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displaced low and towards the toe location while a second weight is displaced low and towards the heel location.

Claims 4, 5, 6, 10, 13-16, 19, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Wakita. Vincent shows every feature claimed with the exception of explicitly detailing an opening in any of the crown, sole or shell, as required by claims 4-6, 10 and 13-15. Note, Vincent details that the head is formed through an assembly of metallic walls (col. 4, lines 57-58). Thus, it would appear that Vincent suggests a very common assembly technique in which the shells walls are distinctly formed and subsequently united using any convenient joining means (welding, adhesive, etc...). Any one of the shells most certainly can be considered a "closure" for the cavity, since one of the shell pieces must eventually be the last shell piece installed or joined to the assembly. Nonetheless, Wakita shows a club head (10) with a face (13), crown (14) side walls (not numbered) and sole portion (20). These parts form a hollow cavity within a substantially thin-walled structure. A port (opening) is provided through which a weighting material (24) may be placed within the hollow structure. Note element (19) serving as a port closure. The port is located on the sole side of the head. Wakita even contemplates placing the opening on a crown side, but does not recommend such placement of the port and closure for aesthetic reasons (col. 4, lines 8-22). Figure 4 in Wakita clearly shows that the cover (19) fits in a flush manner with the remainder of the sole wall surface, as required by claim 21. In view of the patent to Wakita, it would have been obvious to modify the device in the cited art reference to Vincent by providing a port and associated port closure, the motivation being to be able

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to conveniently access the interior of the head. As to claim 25, one skilled in the art, using the guidance of Vincent, would have found it obvious to strategically place the weights in order to achieve a desired weight distribution.

Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Wakita and Sahm. Vincent in view of Wakita has been discussed above. Although Vincent does not detail clubs of the iron or putter style, it would have been obvious to further modify the device in Vincent by extending the teachings of weight distribution to other commonly used clubs such as irons and putters in view of the patent to Sahm, which shows it to be old in the art to apply a weighting system to all of woods, irons and putters, each of these types of clubs being routinely used by a golfer during a round of golf.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of Wakita and Mills. Vincent in view of Wakita has been discussed above. To have further modified the device in the Vincent reference to include weights in the form of lead tape in order to take advantage of another convenient manner of applying and securing a weight to the cavity structure would have been obvious in view of the patent to Mills, which shows it to be old in the art to make use of lead tape for selectively providing weight to a hollow (cavity) within a club head structure. Note, Vincent already suggests that plural methods are available for providing the necessary weight distribution. See col. 4, lines 57-65 and col. 8, lines 3-17 in Vincent. Thus, the use of lead tape here is simply seen as yet another means through which the head may be weighted.

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Claims 2, 3, 11, 12 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

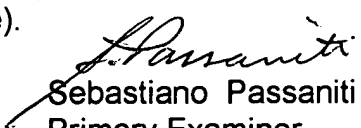
### RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sebastiano Passaniti  
Primary Examiner  
Art Unit 3711

S.Passaniti/sp  
May 13, 2005